

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANKLIN R. DASHIELL, JR.,) CASE NO.: C06-0372-JLR
Petitioner,)
v.) ORDER DISMISSING § 2254
MAGGIE MILLER-STOUT,) PETITION WITHOUT PREJUDICE
Respondent.)

The Court, having reviewed the petition for writ of habeas corpus, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
 - (2) Petitioner's federal habeas petition is DISMISSED, without prejudice, for failure to exhaust available state remedies; and
 - (3) The Clerk is directed to send copies of this Order to petitioner and to Judge Theiler.

DATED this 5th day of May, 2006.

James L. Robart
JAMES L. ROBART
United States District Judge

**ORDER DISMISSING § 2254
PETITION WITHOUT PREJUDICE**